IN RE: PETITION FOR ZONING VARIANCE E/S of Notchcliff Road, 3170' S of the c/l of Glen Arm Road (11413 Notcheliff Road)

Petitioners

* DEPUTY KONING COMMISSIONER * OF BALTIMORE COUNTY 11th Election District 6th Councilmanic District * Case No. 89-533-A David T. Schulte, ot ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit a side yard netback of 36 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Mr. Rossi, an adjoining neighbor. There were no Prot-

Testimony indicated that the subject property, known as 11413 Notchcliff Road, consists of 3.9409 acres zoned R.C. 5 and is improved with a single family dwelling. Petitioners propose constructing an addition on the side of the existing dwelling to provide additional living space for their growing family. The proposed addition will provide another bedroom, expand the existing kitchen and add a dining room. Testimony indicated the requested variance will not result in any detriment to the health, salety or general welfare of the community.

Mr. Rossi, the adjoining property owner most affected by the requested variance, indicated he had no objection to Petitioners' request. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12 day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback of 36 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Fetitioner may apply for his building permit and he granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> > 1 - Mrsantino ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

July 12, 1989

Mr. & Mrs. David T. Schulte 11413 Notchcliff Road Glen Arm, Maryland 21057

Dennis F. Rasmussen RE: PETITION FOR ZONING VARIANCE

E/S of Notchcliff Road, 3,170' S of the c/l of Glen Arm Road (11413 Notchcliff Road) 11'n Election District - 4th Councilmanic District David T. Schulte, et ux - Tetitioners Case No. 89-533-A

Dear Mr. & Mrs. Schulte:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

* In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

(pin strain) ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., June THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN,

CERTIFICATE OF PUBLICATION

TOWSON, MD., WALL THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on HML 19 39.

Baltimore County Zoning Commissioner Office of Flanning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

> Mr. & Mrs. David T. Schulte 11413 Notchcliff Road Glen Arm, Maryland 21057

Re: Petition for Zoning Variance CASE NUMBER: 89-533-A E/S of Notchcliff Road, 3170 fT. 5 of c/1 Glen Arm Road

11413 Notchcliff Road 11th Election District - 6th Corncilmanic Petitioner(s): David T. Schulte, et ux HEARING SCHEOULED: FRIDAY, JUNE 30, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 105.53 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office unit1 the day of the hearing.

bate: 6.9.89

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21/04 fifteen (15) minutes before your hearing is scheduled to begin. and the residence of the state ill be an additional

ANC455

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 6/30/59 AMOUNT \$ 105.53

VALIDATION OR SIGNATURE OF CASHIER PINK - AGENCY YELLOW - CUSTOMER

PETITON FOR ZONING VICIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and with his described in the description and plat attached hereto and made a part hereof, hereby points n for a Variance from Section 1A04.3 B. 3. Building Sections To Permit a with a first form the South Property Line instade or the required 7711.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The zoning law presents a practical difficuly. Our home has a very small bitches. with a counter that seats three. There is no room for a table. Our home thes that have a dining room. When we moved in we had one child. We are now a family of the. and have outgrown our kitchen. The proposed addition will include an extension of our kitchen and a dining room. We cannot expand at the front/west side, I the a cobecause of an existing fireplace, and the settic tank and drain theli are bestell here. It would be extremely burdensome to tear down the fireplace and chartey and re-build the drain field. Relaxation of the Doft. setback to will give us substantial relief, and the addition will be no closer than 100 it. in mother abstract. house, which meets the spirit of the ordinance.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm. under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Contract Purchaser: (Type or Print Name) (Type or Print Name) Signature Signature (Type or Print Name) Address City and State Attorney for Petitioner: 11413 Notchcliff Rd. 592-2254 Address (Type or Print Name) __Gler. Arm, Md. 21057_____ City and State Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted -- David-Tr-Schulte-----City and State 11413 Notchcliff Rd. 592-2254 Attorney's Telephone No.: ________ Glen Afm, Md. 21057.

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30 day of func

Zoning Commissioner of Baltimore County.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

™ay 19, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-533-A E/S of Notcheliff Road, 3170 ft. 5 of c/l Sien Arm Poad 11413 Notcholiff Road 11th Election District – 6th Councilmanic Petitioner(s): David T. Schulte, et ux HEARING SCHEDULEC: FRIDAY, JUNE 30, 1989 at 2:30 p.m.

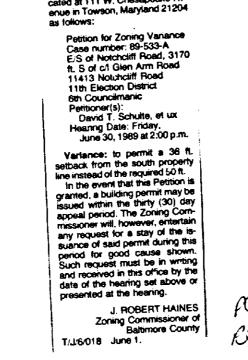
Variance: To permit a 36 ft. settack from the south property line instead of the required

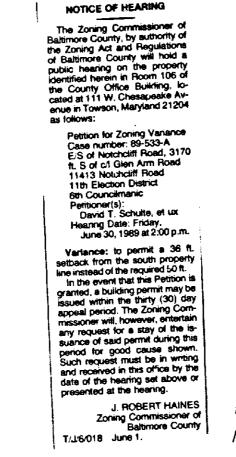
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

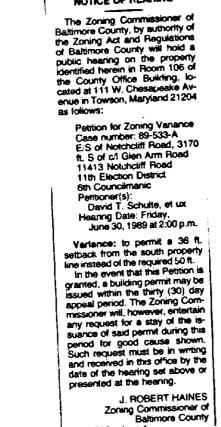
J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Schulte

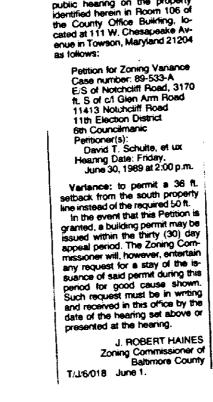
File







AMN:bjs



NOTICE OF HEARING The Zaxing Commissioner of Battimania County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeaka Avenue in Towson, Manyland 21204

Posted for: Delli Schuller of ux Location of property.

Location of property. Location of property. All Motch cliff Rdi. Location of Signs Location of Signs And Porty of Party of Petition for Zoning Variance Case number: 89-533-A E/S of Notchcliff Road, 3170 ft. S of c/l Gien Arm Road 11413 Notchcliff Hoad 11th Election District

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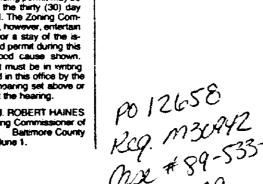
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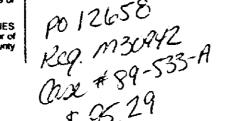
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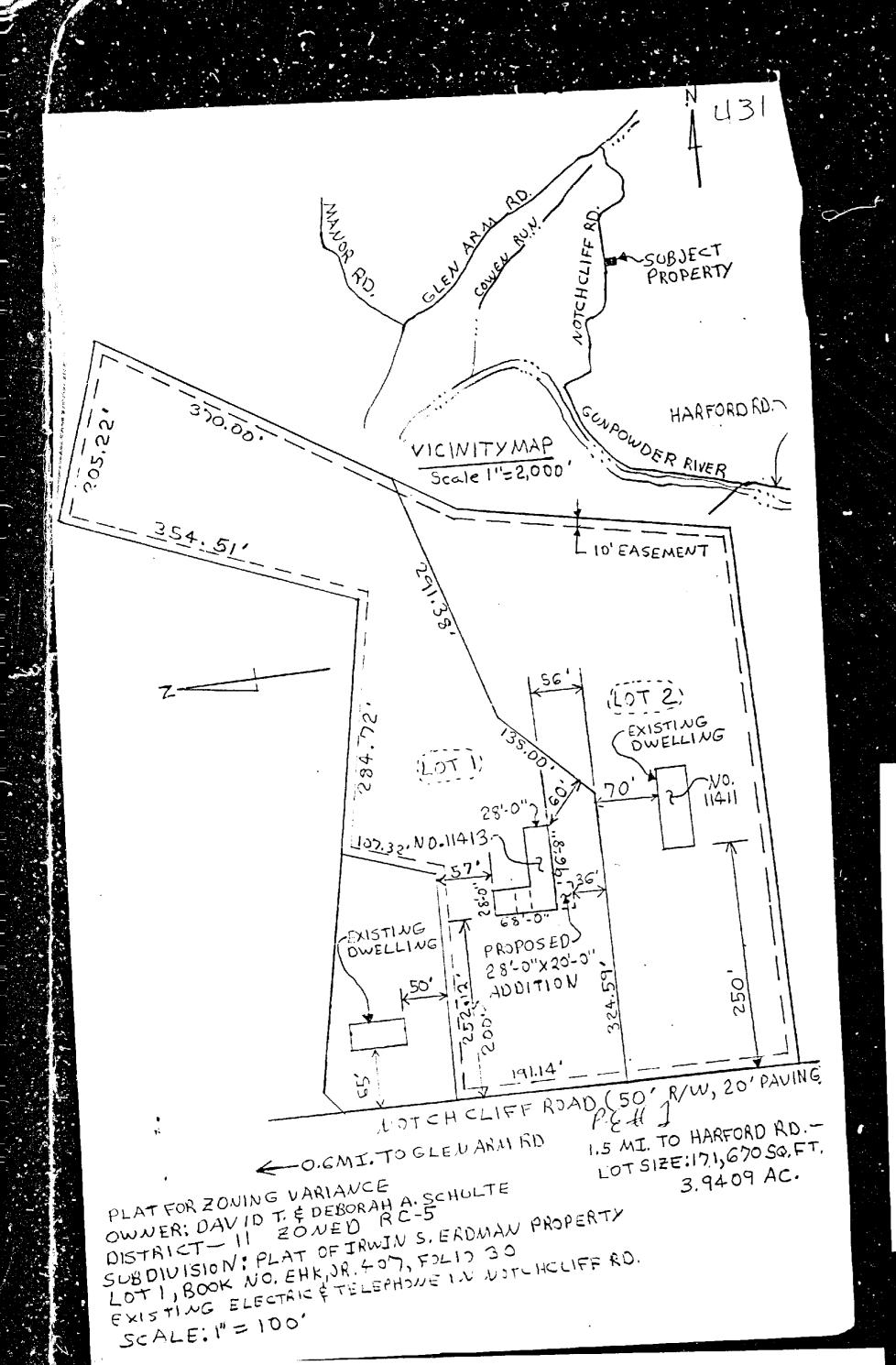
mente thereon to be known as so, tasto pateholist la.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

> Petitioner(s):
> David T. Schulte, et ux
> Hearing Date: Fnday,
> June 30, 1989 at 2:00 p.m. Variance: to permit a 36 ft. setback from the south property line instead of the required 50 ft. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain arry request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or J. ROBERT HAINES







Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen County Executive

RE: Property Owner: David T. Schulte Location: E/S of Notchcliffe Road, 3,170' S. of the centerline of Glen Arm Road

Zoning Agenda: April 25, 1989 Item No.: 431

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to escupancy.

REVIEWER: Colt for 11 City 4-3559 Approved 1
Planning Group
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 M. Chesapeake Ave. Towson, Maryland 21204

Mr. & Mrs. David T. Schulte 11413 Notchcliff Road Glen Arm, MD 21057

MEMBERS Burrau of Engineer .ng Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

RE: Item No. 431, Case No. 89-533-A Petitioner: David T. Schulte, et ux Petition for Zoning Variance

Dear M. Schulte:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

June 8, 1989

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

(301) 887 3554

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204



Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

April 25, 1093

Michael S. Flanigan Traffic Engineer Assoc. II

., MSF/lab

BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: May 31, 1989 TO: J. Robert Haines

Zoning Commissioner FROM: Pat Keller. Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-533-A Item No. 431

ZONING OFFICE

Re: David T. Schulte, et ux

The Petitioners request a variance to permit a 36 foot setback in lieu of the required 50 feet. In reference to this request, staff offers no comment.

A:63089.txt Pg.1

89-533-A

Petitioner's

Attorney

RWB:s

Encls.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

25th day of April , 1989.

Petitioner <u>David T. Schulte, et ux Received by:</u>

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for Items 426, 434, 436, 438 and

ROBERT W. BOWLING, P.E., Chief

Developers Engineering Division

Zoning Advisory Committee Meeting

FROM: Robert W. Bowling, P.E.

for April 25, 1989

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

James E. Dyer

dvisory Committee

Chairman, Zoning Plat